ATTORNEY DOCKET NO. 14014.0306U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
Kraus *et al.*	)	Art Unit: 1652
	)	
Application No. 10/693,030	)	Examiner: Unassigned
	)	
Filing Date: October 24, 2003	)	Confirmation No. 2346
	)	
For: METHODS FOR DIAGNOSIS OF CANCER USING ErbB-3	)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 36339

Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, submitted herewith on the accompanying Form PTO-1449 is a listing of documents known to Applicants and/or their attorneys. Pursuant to 1273 OG 1, because the above-identified application was filed after June 30, 2003, copies of the cited U.S. patents and/or U.S. patent application publications listed on the accompanying Form PTO-1449 are not enclosed. Further, the documents listed with an asterisk ("*") were cited by or submitted to the Patent Office in Application No. 09/170,699, filed October 13, 1998 (now U.S. Patent No. 6,639,060), to which the present application claims priority. Pursuant to 37 C.F.R. § 1.98(d), copies of these documents are not enclosed. A copy of each of the remaining documents is enclosed.

This Information Disclosure Statement is believed to be filed in a timely manner pursuant to 37 C.F.R. § 1.97(b)(1)(3), in that a first Office Action on the merits of the present patent application has not yet been mailed to Applicants.

Consideration of the cited documents and making the same of record in the prosecution of the above-referenced application are respectfully requested.

No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Gwendolyn D. Spratt — 2-17-04

Gwendolyn D. Spratt — Date

Form PTO-1449
U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

LIST OF INFORMATION CITED BY APPLICANT
(Use as many sheets as necessary)

Complete if Known	
Application Number	10/693,030
Filing Date	10/24/03
First Named Inventor	Kraus
Group Art Unit	1652
Examiner Name	Unassigned

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	Document No.	Date	Name	Class	Subclass	Filing Date (if appropriate
	A1	6,639,060	10/28/03	Kruas et al.	536	23.1	
	A2	5,820,859	10/13/98	Kraus et al.	424	143.1	
	*A3	5,480,968	01/1996	Kraus et al.	530	326	
	*A4	5,183,884	02/02/93	Kraus et al.	536	23.5	
	*A5	4,867,973	09/19/89	Goers et al.	424	85.91	
	A6	4,683,202	07/28/87	Mullis	435	91	
	A7	4,683,195	07/28/87	Mullis	435	6	

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code	Date	Name	Translation Yes/No
	*A8	EP 0444961	04/09/91	Bristol-Myers Squibb Company	
	*A9	WO 89/10977	11/16/89	Isis Innovation Limited	

NON-PATENT DOCUMENTS

Examiner's Initials	Cite No.	Non-Patent Citations (include Author, Title, Publisher, Relevant Pages, Date and Place of Publication)
	A10	Bargmann et al., "Multiple Independent Activations of the *neu* Oncogene by a Point Mutation Altering the Transmembrane Domain of p185." *Cell* 45:649-657 (June 6, 1986)
	A11	Cepko et al., "Construction and Applications of a Highly Transmissible Murine Retrovirus Shuttle Vector." *Cell* 37:1053-1062 (July 1984)
	A1●	Chou and Hayman, "Characterization of a member of the immunoglobulin gene superfamily that possibly represents an additional class of growth factor receptor." *Proc. Natl. Acad. Sci. USA* 88:4897-4901 (June 1991)
	*A13	Coussens et al., "Tyrosine Kinase Receptor with Extensive Homology to EGF Receptor Shares Chromosomal Location with neu Oncogene." *Science* 230(4730):1132-1139 (December 6, 1985)
	*A14	Di Fiore et al., "erbB-2 is a Potent Oncogene When Overexpressed in NIH/3T3 Cells." *Science* 237(4811):178-182 (July 10, 1987)
	A15	Di Fiore et al., "Overexpression of the Human EGF Receptor Confers an EGF-Dependent Transformed Phenotype to NIH 3T3 Cells." *Cell* 51:1063-1070 (December 24, 1987)
	*A16	Drebin et al., "Inhibition of Tumor Growth by a Monoclonal Antibody Reactive with an Oncogene-Encoded Tumor Antigen." *Proc. Natl. Acad. Sci. USA* 83(23):9129-9133 (December 1, 1986)

	A17	Gunning et al., "Isolation and Characterization of Full-Length cDNA Clones for Human α-, β-, and γ-Actin mRNAs: Skeletal but Not Cytoplasmic Actins Have an Amino-Terminal Cysteine that is Subsequently Removed." *Mol. Cell Biol.* 3(5):787-795 (May 1983)
	A18	Hanks et al., "The Protein Kinase Family: Conserved Features and Deduced Phylogeny of the Catalytic Domains." *Science* 241(4861):42-52 (July 1, 1988)
	A19	Holmes et al., "Identification of Heregulin, a Specific Activator of $p185^{erbB2}$." *Science* 256(5060):1205-1210 (May 22, 1992)
	*A20	King et al., "Amplification of a Novel v-erbB-Related Gene in a Human Mammary Carcinoma." *Science* 229(4717):974-976 (September 6, 1985)
	*A21	Kraus et al., "Overexpression of the EGF receptor-related proto-oncogene *erb*B-2 in human mammary tumor cell lines by different molecular mechanisms." *EMBO J.* 6(3):605-610 (March 1987)
	*A22	Kraus et al., "Isolation and Characterization of ERBB3, a Third Member of the ERBB/Epidermal Growth Factor Receptor Family: Evidence for Overexpression in a Subset of Human Mammary Tumors." *Proc. Natl. Acad. Sci. USA* 86(23):9193-9197 (December 1, 1989)
	A23	Kraus et al., "A Position 12-Activated H-ras Oncogene in all HS578T Mammary Carcinosarcoma Cells but not Normal Mammary Cells of the Same Patient." *Proc. Natl. Acad. Sci. USA* 81(17):5384-5388 (September 1, 1984)
	*A24	Kraus et al., UCLA Symposia on Molecular & Cellular Biology, 19th Annual Meetings, Abstract F226 (1990).
	A25	Kyte and Doolittle, "A Simple Method for Displaying the Hydropathic Character of a Protein." *J. Mol. Biol.* 157:105-132 (May 1982)
	A26	Lerner et al., "Chemically Synthesized Peptides Predicted from the Nucleotide Sequence of the Hepatitis B Virus Genome Elicit Antibodies Reactive with the Native Envelope Protein of Dane Particles." *Proc. Natl. Acad. Sci. USA* 78(6):3403-3407 (June 1981)
	A27	Libermann et al., "Amplification, enhanced expression and possible rearrangement of EGF receptor gene in primary human brain tumours of glial origin." *Nature* 313:144-147 (January 1985)
	A28	Matsui et al., "Isolation of a Novel Receptor cDNA Establishes the Existence of Two PDGF Receptor Genes." *Science* 243(4892):800-804 (February 10, 1989)
	A29	Merrifield, "Solid Phase Peptide Synthesis. I. The Synthesis of a Tetrapeptide." *J. Am. Soc.* 85:2149 2154 (July 20, 1963)
	A30	Miki et al., "An efficient directional cloning system to construct cDNA libraries containing full-length inserts at high frequency." *Gene* 83:137-146 (November 1989)
	*A31	Pearson and Lipman, "Improved Tools for Biological Sequence Comparison." *Proc. Natl. Acad. Sci USA* 85(8):2444-2448 (April 15, 1988)
	*A32	Pierce et al., "Signal Transduction through the EGF Receptor Transfected in IL-3-Dependent Hematopoietic Cells." *Science* 239(4840):628-631 (February 5, 1988)
	*A33	Plowman et al., "Molecular Cloning and Expression of an Additional Epidermal Growth Factor Receptor-Related Gene." *Proc. Natl. Acad. Sci USA* 87(13):4905-4909 (July 1990)
	A34	Popescu et al., "Localization of the Human erbB-2 Gene on Normal and Rearranged Chromosomes 17 to Bands q12-21.32." *Genomics* 4(3):362-366 (April 1989)
	A35	Rhim et al., "Neoplastic Transformation of Human Epidermal Keratinocytes by AD12-SV40 and Kirsten Sarcoma Viruses." *Science* 227(4691):1250-1252 (March 8, 1985)

	A36	Rubin et al., "Purification and Characterization of a Newly Identified Growth Factor Specific for Epithelial Cells." *Proc. Natl. Acad. Sci. USA* 86(3):802-806 (February 1, 1989)
	A37	Saiki et al., "Enzymatic Amplification of β-Globin Genomic Sequences and Restriction Site Analysis for Diagnosis of Sickle Cell Anemia." *Science* 230(4732):1350-1354 (December 20, 1985)
	A38	Sanger et al., "DNA Sequencing with Chain-Terminating Inhibitors." *Proc. Natl. Acad. Sci. USA* 74(12):5463-5467 (December 1977)
	*A39	Semba et al., "A v-erbB-Related Protooncogene, c-erbB-2, is Distinct from the e-erbB-1/Epidermal Growth Factor-Receptor Gene and is Amplified in a Human Salivary Gland Adenocarcinoma." *Proc. Natl. Acad. Sci. USA* 82(19):6497-6501 (October 1, 1985)
	A40	Shoyab et al., "Structure and Function of Human Amphiregulin: A Member of the Epidermal Growth Factor Family." *Science* 243(4894):1074-1076 (February 24, 1989)
	A41	Slamon et al., "Studies of the HER-2/neu Proto-Oncogene in Human Breast and Ovarian Cancer." Science 244(4905):707-712 (May 12, 1989)
	A42	Velu et al., "Epidermal-Growth-Factor-Dependent Transformation by a Human EGF Receptor Proto-Oncogene." *Science* 238(4832):1408-1410 (December 4, 1987)
	A43	Vennstrom et al., "Molecular Cloning of the Avian Erythroblastosis Virus Genome and Recovery of Oncogenic Virus by Transfection of Chicken Cells." *J. Virol.* 36(2):575-585 (November 1980)
	A44	Walen and Stampfer, "Chromosome Analyses of Human Mammary Epithelial Cells at Stages of Chemical-Induced Transformation Progression to Immortality." *Cancer Genet. Cytogenet.* 37(2):249-261 (February 1989)
	*A45	Yamamoto et al., "Similarity of protein encoded by the human c-*erb-B-2* gene to epidermal growth factor receptor." *Nature* 319(6050):230-234 (January 16, 1986)

Examiner Signature:	Date Considered:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.